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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,345	04/11/2001	Samuel Bendinelli	7937.0002-06	8616

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EXAMINER

CHEN, ALAN S

ART UNIT PAPER NUMBER

2182

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,345

Applicant(s)

BENDINELLI ET AL.

Examiner

Alan S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 3-32, 34-48 and 50-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 33 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 07/21/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat. Application No. 09/814178 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

2. Applicant's arguments filed 07/21/2005 have been fully considered but they are not persuasive.
3. Applicant argues (pgs. 18-19 of remarks) the reference to Giniger does not disclose the limitation "providing, at the at least one processor and through the base network, code and information for configuring the first processor to interface the base network at the received base address" particularly emphasizing Giniger only discloses "...additional configuration information...related to routing and security policies" which does not qualify under "code and information".

Examiner does not agree with this. Applicant's broad recitation of code and information in the claims are not further narrowed *anywhere* in the independent or dependent claims and thus, under the broadest reasonable interpretation of the claim language, is construed to be any data that *partially* or entirely configures the first processor to interface the base network. The "additional configuration information" provided by the management server (the at least one processor) clearly helps to configure the edge device (first processor), which is enough to read on the corresponding limitation. Further in Column 15, Giniger discloses the management server

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determines which edge device should establish tunnels, and thus the edge device must receive information from the management server as to how the tunnel is established and where to tunnel leads (Column 15, lines 8-35; particularly noting that the management server “instructs” the edge device to establish a tunnel). Note particularly Fig. 1, element 115 being the tunnel that interfaces the base network (the internet). Furthermore, Giniger discloses the need for cryptography between devices, e.g., the use of session keys which are distributed by the management server 130 particularly the public keys used by the edge devices (Column 15, lines 23+). The base address is administered by the server via a DHCP engine which assigns the IP address of each network element (Fig. 4, element 420) which also qualifies as “code and information” necessary to configure the edge device to interface the base network.

4. Applicant contends (pg. 19 of remarks) that because the management server commands each of the edge devices to add a tunnel without the consent of the edge devices, Giniger fails to disclose the fifth limitation to claim 1, specifically enabling a tunnel based on consents sent by the first and second processors to the at least one processor.

Examiner does not agree. While the management server does command the tunnel to be created between edge devices, the edge devices must allow authentication for secure communication via the tunnel before the tunnel can be operationally established. Giniger discloses this limitation based on the cryptography he employs. Per Column 15, lines 23-42 it is necessary to have secure connections via session keys, where the edge devices needs to generate session keys from the management server before the tunnel can be established (Column 15, lines 35-40). This can be construed to be “consenting”, since the management server first sends a command to create a tunnel (Column 15, line 35) where the edge devices consents by each

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sending a request to the management server for generation of appropriate keys and subsequently the tunnel is established for communication (Column 15, line 36-39).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,33,49 are rejected under 35 U.S.C. 102(e) as being anticipated by Giniger et al. (Giniger).

Per claim 1, note that the patent sets forth a method for providing network services in the form of the VPN between the nodes (i.e. Figure 1) using at least one processor (at the management server 130, as servers have at least one processor) interfacing the base network (Internet 100).

At the at least one processor (130) receiving information identifying a user authorized to administer a first processor (i.e. one of the edge devices 110), which is separate from the server processor, in which information is at least the username and password per column 14, lines 63+. This identifies the user be authenticated prior to receiving more configuration information.

A base address that is routable through the Internet is received at the at least one processor, for example, per the column 14, lines 25-38 discussion of the external and local IP addresses for the edge device 110 from a DHCP server at the POP 220 or from management server 130, thus requiring that the base address be received at the server 130.

Code and information for configuring the first processor (110) to interface the base network at the received base address is seen as the column 15, lines 4-7, receiving of additional configuration information, such as related to routing and security policies from the server (130),

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and such is thus provided at the management server (130) to the first processor (110) for configuring the first processor (110) via the base network.

Once the additional information is in place at the edge device (110), it is used to ultimately determine which other edge devices should be included via tunnels over the base network.

The end result is the enabling of a direct tunnel between two edge devices (110) per the detection of edge devices (110) by the management server (130), such that the management server (130) determines which other edge devices (110) the detected edge device (110) should be connected via a tunnel (115) to be established. The tunnel ultimately established (115) is through the base network (100) and connects two edge devices (110) wherein a consent is presented to the management server (130) from each of the edge devices (110) [per the column 15, lines 8-42] via the commands to the edge devices to add the tunnel, as well as the generation/receiving of session keys from the management server (130).

Per claim 2, a firewall is provided at Figure 8. Note that the centralized firewall 830 maintains tunnels to edge/network devices and is centrally managed by the management server (130), hence being provided by the management server (130). By definition, a firewall selectively restricts information flowing through/from an edge device (110/810) and the base network (100), as such is pointed out at the top of column 17 and the restricted access.

Per claim 33, network services in the form of a VPN are provided, as discussed above.

At least one site is provided at the management server (130) in the base network (100), wherein information is received in the form of the password and user name (i.e. user information), as mentioned above. Code and other information is provided to the user in the

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form of the above mentioned additional configuration information for self-configuring the edge device (110). The code is then executed with the result, as explained above, of a tunnel created between two edge devices under the auspices of the management server (130). Note that addresses, both local and external, per column 14, via the management server (130) or other methods. Per the use of the session keys, again under the auspices of the management server (130), a mutual consent is needed and detected in order to establish the desired tunnel between the edge devices (110).

Per claim 49, the firewall (830) of Figure 8 is configured and controlled by the management server (130), which must have information about the edge devices in order for it to function as a firewall.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


11. This application contains claims 3-32, 34-48 and 50-52 drawn to an invention nonelected with traverse in Paper No. 12262004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S. Chen whose telephone number is 571-272-4143. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ASC
08/24/2005


KIM HUYNH
PRIMARY EXAMINER
9/1/05